

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ORDER

Criminal File No. 07-201 (MJD/FLN)

JUAN LUIS FARIAS-MENDOZA (2),

Defendant.

Jeffrey M. Bryan and Michael L. Cheever, Assistant United States
Attorneys, Counsel for Plaintiff.

Robert M. Paule, Robert M. Paule, PA, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation (“R&R”) of the United States Magistrate Judge Franklin L. Noel dated August 15, 2007. Defendant Farias-Mendoza filed objections to the R&R on August 29, 2007.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review, the Court adopts the R&R dated August 15, 2007.

Accordingly, based upon the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Defendant Farias-Mendoza's motion to dismiss Count 6 of the Indictment [Docket No. 28] is **DENIED**.

2. Defendant Farias-Mendoza's motion to suppress physical evidence [Docket No. 37] is **DENIED**.

3. Defendant Farias-Mendoza's motion to suppress evidence obtained as a result of search and seizure [Docket No. 38] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 4, 2007

BY THE COURT:

s/ Michael J. Davis

The Honorable Michael J. Davis
United States District Court Judge